

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

<b>CLINTON STRANGE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:18-cv-01071-WDC</b>
	)	
<b>HEALTHSTREAM, INC.; TWILIO; and</b>	)	
<b>PHC-MINDEN G.P., INC.</b>	)	
	)	
<b>Defendants.</b>	)	

**PHC MINDEN G.P., INC.'S**  
**MOTION TO DISMISS FOR FAILURE TO PAY FILING FEE**

PHC-Minden G.P., Inc. ("Minden Medical Center") moves to dismiss Plaintiff's Complaint due to Plaintiff's failure to pay the filing fee (or request an extension).

On October 11, 2018, Plaintiff filed a *pro se* Complaint.<sup>1</sup> Plaintiff's Complaint was accompanied by Plaintiff's Application for Leave to Proceed in Forma Pauperis.<sup>2</sup>

On November 20, 2018, Minden Medical Center opposed the Application for Leave to Proceed in Forma Pauperis due to Plaintiff's failure to make an adequate showing of indigency. On December 4, 2018,<sup>3</sup> the Court denied Plaintiff's Application to Proceed in Forma Pauperis and ordered Plaintiff to pay the initial filing fee within twenty-eight (28) days<sup>4</sup> (or else request an extension). To date, neither has occurred.

A district court should dismiss a plaintiff's complaint for lack of prosecution if a plaintiff fails to follow a court's directions.<sup>5</sup> Here, the Plaintiff has not paid the required

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 2.

<sup>3</sup> On December 7, 2018, the Court corrected its Order only to identify the party who opposed Plaintiff's Application for Leave to Proceed in Forma Pauperis (from Twilio to Minden Medical Center).

<sup>4</sup> 28 days from 12/04/18 was 01/01/19. With a holiday extension, Plaintiff's deadline was 01/02/19.

<sup>5</sup> See, e.g., *Bomer v. Lavigne*, 76 F. App'x 660, 662 (6th Cir. 2003); *Brown v. Mills*, 639 F.3d 733, 734 (6th Cir. 2011).

filing fee or requested an extension. Therefore, his Complaint should be dismissed. Plaintiff should be required to seek leave of Court before filing a new Complaint.<sup>6</sup>

Respectfully Submitted,

**GIDEON, COOPER AND ESSARY,  
PLC**

**/s/ J. Blake Carter**

C.J. Gideon, #006034

J. Blake Carter, #030098

315 Deaderick Street, Suite 1100

Nashville, TN 37238

615-254-0400

*Counsel for PHC-Minden G.P., Inc.*

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<sup>6</sup> *Brown v. Mills*, 639 F.3d 733, 734 (6th Cir. 2011).

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2019, a true and correct copy of this document was electronically filed and served on all lawyers registered with the Court's CM/ECF system, including:

Michael B. Hazzard  
Kaytlin L. Roholt  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, DC 20001-2113

Tara L. Swafford  
Elizabeth G. Hart  
The Swafford Law Firm, PLLC  
207 Third Avenue North  
Franklin, TN 37064

J. Eric Miles  
Brigham A. Dixon  
North, Pursell & Ramos, PLC  
414 Union Street, Suite 1850  
Nashville, TN 37219

*Counsel for HealthStream, Inc.*

*Counsel for TWILIO, Inc.*

In addition, a true and correct copy of this document was served by U.S. Mail, first-class, postage pre-paid, to:

Clinton Strange  
7021 Winburn Drive  
Greenwood, LA 71033

*Pro Se Plaintiff*

**/s/ J. Blake Carter**